



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/402,498	10/05/1999	JAMES EDWIN HAILEY	RCA88482	6020

7590 06/18/2004

JOSEPH S TRIPOLI
THOMSON MULTIMEDIA LICENSING INC
PO BOX 5312
PRINCETON, NJ 08540

EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/402,498	HAILEY ET AL.
	Examiner	Art Unit
	Hunter B. Lonsberry	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION***Response to Arguments***

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 7, 9-17, 20, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,560 to Florin in view of U.S. Patent 6,133,910 to Stinebruner and U.S. Patent 5,883,677 to Hofmann.

Regarding claims 1-3, and 10, Florin discloses in Figures 1, 2, 16-18, and 36, a video decoder system that interfaces with a number of devices such as VCR 56 and device 57, and allows a user to select a device and display the programming available on that device via a program guide, a user may select a programming source via icons in window 420 in Figure 36 and formats the data for display, a user may connect to a CD player to listen to music (column 3, lines 44-59, column 8, line 6-column 10, line 6, column 14, line 47-58, column 16, lines 14-column 17, line 13, column 21, line 41-column 22, line 14), memory 65 keeps tracks of programs that have been videotaped (column 9, lines 65-column 10, line 1), a user may press a list button 138, to display a list of recorded programs

stored on a VCR which does not overlap any other content, a record panel 259 is used to select a different tape, VCR or AV recording device (figures 16-18, column 16, line 37-column 17, line 14). Florin does not disclose generating program map information enabling communications between a decoder and an external device, not overlaying icons and listings over any other content or displaying what content may be accessed on a device after a user selects a menu icon.

Stinebruner discloses in Figure 2 a channel map that associates a number of different devices and channels with an ID, and enables the decoder to communicate with the device after retrieving an ID from memory (Figures 4, 10, column 5, line 5-column 10, line 32).

The examiner takes official notice that selecting an icon to display listings of content accessible on external device is well known in the art, for example, a user using a windows environment, may click on a CD-ROM icon to bring up a listing of audio files stored on an external CD-ROM.

Hoffman discloses in figures 9 a/b, a number of different external interfaces, CATV, TELCOS and DBS, which also include program listings, these are displayed onscreen with no overlays (column 9, lines 13-21).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the video decoder system of Florin to associate each device menu icon with a program map as disclosed by Stinebruner thereby enabling a user to control a number of different devices via a common interface, to modify the combination of Florin and Stinebruner to enable a user to click on

an external device icon to display a content listing, and to modify the combination of Florin and Stinebruner to display program listings full screen by external source, as taught by Hoffman to enable a user to see all of the listings at once.

Regarding claim 4, Stinebruner discloses that a controller may take direct control over a device or may transmit and receive control signals to an external device in a network system (column 9, line 59-column 10, line 32).

Regarding claim 6, Stinebruner discloses that each virtual channel is mapped to a difference source address (Figure 2, column 5, line 5-column 10, line 32).

Regarding claims 7 and 20, Stinebruner discloses that the source address codes include DBS and cable broadcast sources.

Regarding claims 9 and 22, Florin discloses in Figure 36, different selectable menu icons for different physical communication networks.

Regarding claim 11, Florin discloses in Figure 36, a number of selectable menu icons for different devices. Florin inherently maps the address codes to each source, otherwise Florin would not be able to know which device to query when a user requests available programming. Stinebruner discloses in Figure 2, different address sources and ID's corresponding to each device.

Regarding claim 12, Florin discloses that the decoder may control devices such as telephones, answering machines, email or connections to on-line services (column 21, line 41-column 22, line 14). Florin inherently utilizes an Internet address code as Florin discloses that the decoder may interface with an email device.

Regarding claims 13, 14, and 17, Florin discloses in Figures 1, 2, 16-18, and 36, a video decoder system that interfaces with a number of devices such as VCR 56 and device 57, and allows a user to select a device and display the programming available on that device via a program guide, a user may select a programming source via icons in window 420 in Figure 36 and formats the data for display, a user may connect to a CD player to listen to music (column 3, lines 44-59, column 8, line 6-column 10, line 6, column 14, line 47-58, column 16, lines 14-column 17, line 13, column 21, line 41-column 22, line 14), memory 65 keeps tracks of programs that have been videotaped (column 9, lines 65-column 10, line 1), a user may press a list button 138, to display a list of recorded programs stored on a VCR which does not overlap any other content, a record panel 259 is used to select a different tape, VCR or AV recording device (figures 16-18, column 16, line 37-column 17, line 14). Florin does not disclose generating program map information enabling communications between a decoder and an external device, not overlaying icons and listings over any other content or displaying what content may be accessed on a device after a user selects a menu icon.

Stinebruner discloses in Figure 2 a channel map that associates a number of different devices and channels with an ID, and enables the decoder to communicate with the device after retrieving an ID from memory (Figures 4, 10, column 5, line 5-column 10, line 32).

The examiner takes official notice that selecting an icon to display listings of content accessible on external device is well known in the art, for example, a

user using a windows environment, may click on a CD-ROM icon to bring up a listing of audio files stored on an external CD-ROM.

Hoffman discloses in figures 9 a/b, a number of different external interfaces, CATV, TELCOS and DBS, which also include program listings, these are displayed onscreen with no overlays (column 9, lines 13-21).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the video decoder system of Florin to associate each device menu icon with a program map as disclosed by Stinebruner thereby enabling a user to control a number of different devices via a common interface, to modify the combination of Florin and Stinebruner to enable a user to click on an external device icon to display a content listing, and to modify the combination of Florin and Stinebruner to display program listings full screen by external source, as taught by Hoffman to enable a user to see all of the listings at once.

Regarding claim 16, Florin discloses in Figure 36, a number of selectable menu icons for different devices, the decoder may control devices such as telephones, answering machines, email or connections to on-line services (column 21, line 41-column 22, line 14). Florin inherently maps the address codes to each source, otherwise Florin would not be able to know which device to query when a user requests available programming. Stinebruner discloses in Figure 2, different address sources and ID's corresponding to each device.

Regarding claim 25, Florin discloses in Figure 36, a number of selectable menu icons for different devices, the decoder may control devices such as telephones, answering machines, email or connections to on-line services

(column 21, line 41-column 22, line 14). Stinebruner discloses a mapping table, which associates different sources and identifiers with a number of channels. The combined system of Florin, Stinebruner and Hoffman do not disclose utilizing different PIDs with program guide information from different sources. The examiner takes official notice that the use of program identifiers to associate channels and programs within program guides used in digital cable systems are well known in the art. Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combined system of Florin, Stinebruner and Hoffman to map program information from a digital cable system within an electronic program guide, thereby allowing a user to select from a number of digital channels and enabling more programming choices for a subscriber.

Regarding claim 26, Florin discloses in Figures 1, 2, 16-18, and 36, a video decoder system that interfaces with a number of devices such as VCR 56 and device 57, and allows a user to select a device and display the programming available on that device via a program guide, a user may select a programming source via icons in window 420 in Figure 36 and formats the data for display, a user may connect to a CD player to listen to music (column 3, lines 44-59, column 8, line 6-column 10, line 6, column 14, line 47-58, column 16, lines 14-column 17, line 13, column 21, line 41-column 22, line 14), memory 65 keeps tracks of programs that have been videotaped (column 9, lines 65-column 10, line 1), a user may press a list button 138, to display a list of recorded programs stored on a VCR which does not overlap any other content, a record panel 259 is used to select a different tape, VCR or AV recording device (figures 16-18,

column 16, line 37-column 17, line 14). Florin does not disclose generating program map information enabling communications between a decoder and an external device, not overlaying icons and listings over any other content or displaying what content may be accessed on a device after a user selects a menu icon.

Stinebruner discloses in Figure 2 a channel map that associates a number of different devices and channels with an ID, and enables the decoder to communicate with the device after retrieving an ID from memory (Figures 4, 10, column 5, line 5-column 10, line 32).

The examiner takes official notice that selecting an icon to display listings of content accessible on external device is well known in the art, for example, a user using a windows environment, may click on a CD-ROM icon to bring up a listing of audio files stored on an external CD-ROM.

Hoffman discloses in figures 9 a/b, a number of different external interfaces, CATV, TELCOS and DBS, which also include program listings, these are displayed onscreen with no overlays (column 9, lines 13-21).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the video decoder system of Florin to associate each device menu icon with a program map as disclosed by Stinebruner thereby enabling a user to control a number of different devices via a common interface, to modify the combination of Florin and Stinebruner to enable a user to click on an external device icon to display a content listing, and to modify the combination

of Florin and Stinebruner to display program listings full screen by external source, as taught by Hoffman to enable a user to see all of the listings at once.

Claims 5, 8, 18, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,560 to Florin in view of U.S. Patent 6,133,910 to Stinebruner and U.S. Patent 5,883,677 to Hofmann, in further view of U.S. Patent 5,629,733 to Youman.

Regarding claims 5, 8, 18, 19, and 21, Stinebruner discloses that response access data includes a channel number and channel id in Figure 2. The combined system of Florin, Stinebruner and Hoffman does not disclose conditional access data as request access data. Youman discloses that a key icon may be displayed for programs which require a pin number to view based upon their MPAA rating, the pin number entry form will be displayed when a user attempts to watch a program which matches a rating code higher than what is displayed freely (column 21, line 17-column 22, line 14). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Florin, Stinebruner and Hoffman to display a menu icon as taught by Youman thereby identifying programming which requires additional authorization to view.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,560 to Florin in view of U.S. Patent 6,133,910 to Stinebruner and U.S. Patent 5,883,677 to Hofmann in further view of U.S. Patent 5,371,553 Kawamura.

Regarding claim 23, the combined system of Florin, Stinebruner and Hofmann discloses a system that provides different menu icons for different external devices. Florin, Stinebruner and Hofmann do not disclose different address codes for different information sources. Kawamura discloses a system that allows a user to control a number of external devices including a satellite source 7 via a program menu via a number of codes (column 7, lines 17-63, column 9, line 63-column 11 line 24). Kawamura inherently utilizes codes that correspond to addresses for information sources, since a transponder code is necessary to tune to a satellite signal. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combined system of Florin, Stinebruner and Hofmann to include the external satellite device of Kawamura thereby enabling a device to tune to satellite programming.

Regarding claim 24, Florin discloses that the decoder may control devices such as telephones, answering machines, email or connections to on-line services (column 21, line 41-column 22, line 14). Florin inherently utilizes an Internet address code as Florin discloses that the decoder may interface with an email device.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,253,067 to Chaney: Channel Labeling Apparatus for a Television Receiver Wherein Graphics and Text Labels may be Selected from a

Preprogrammed List. This reference discloses that graphics may be substituted for text labels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL



VIVEK SRIVASTAVA
PRIMARY EXAMINER